IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21956 of 2005

Dated: 9th June, 2006

Between:

Azmeer Peerya

.. Petitioners

and

The Executive Engineer, I & CAD,
Irrigation Division, Warangal & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21956 of 2005

ORDER:

This writ petition is filed seeking Mandamus declaring inaction on the part of the respondents in initiating land acquisition proceedings in respect of land in Survey No.30 to an extent of Ac.5-21 guntas and Survey No.31/aa admeasuring Ac.2-00 total extent of Ac.7-21 guntas situated at Mamidlamadava village, Nuthankal mandal, Nalgonda district as arbitrary and illegal.

It is the case of the petitioner that the lands belonging to him in Survey Nos.30 and 31/aa totally admeasuring Ac.7-21 guntas situated at Mamidlamadava village were taken possession by the third respondent through the second respondent on 15.5.1992 without initiating any proceedings under the Land Acquisition Act, 1894. He has been going around the offices of the respondents seeking to initiate land acquisition proceedings and to pay compensation to him. At last, the second respondent addressed a letter to the third respondent on 19.3.1998 stating that the possession of the land has been taken over on 15.5.1990 and an amount of Rs.4,02,520/- approximately is required in this case for payment of compensation, hence, requested him to deposit the said amount expeditiously for the purpose of initiating land acquisition proceedings. Further, the third respondent addressed a letter dated 5.3.2004 to the Executive Engineer, Irrigation Division, Mahabubabad enclosing the original legal notice under Section 80 of Civil Procedure Code dated 2.2.2004 received from Sri T.Sampath Rao, Advocate and stated that the matter falls within the jurisdiction of the Executive Engineer, Irrigation Division, Mahabubabad.

Heard the learned counsel for both parties and perused the material made available on record.

The petitioner, except stating that he is the owner of the land on the basis of the letter addressed by the second respondent to third respondent, there is no other evidence produced by him to show that he is the owner of the property.

Be that as it may, it can be seen from the letter addressed by the second respondent to the third respondent that the land in question has been taken over on 15.5.1990. Therefore, I am of the opinion that the writ petition itself can be disposed of directing the respondents to initiate land acquisition proceedings in respect of the land in question within a period of one month from the date of receipt of a copy of this

order and complete the process within a period of six months thereof and pay the compensation to the petitioner by taking action as per letter addressed by second respondent dated 19.3.1998 if the lands acquired are owned by him.

With the above directions, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 9.6.2006
Note:
Issue C.C. in (3) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

9.6.2006